

**TOWN OF LA POINTE  
REGULAR TOWN BOARD MEETING  
TUESDAY, AUGUST 26, 2014  
5:30PM AT TOWN HALL**

Approved Minutes, as submitted, September 9, 2014

**Called to order** at 5:33pm

**Present:** Greg Nelson, Michael Childers, Marty Curry, Jim Patterson, Ham Ross

**Staff present:** Pete Clark, Kristian Larsen, Lisa Potswald, Michael Dalzell

**Public Present:** 45 members of the La Pointe Community

**I. Public Comment A\*:** Elizabeth Ellis has questions regarding the Law Enforcement Review Panel, mainly criteria/ qualifications of panel members and their authority. Dick Hoffman stated that he doesn't like backs to the public at the meetings. Diane Jenkins speaks on the Cell Tower ordinance: suggesting to amend the fee schedule for a yearly renewal and to inform the Board of her issues living next to the existing tower.

**II. Town Administrator's Report:** Presented by Administrator Pete Clark and placed on file by unanimous consent. Discussion on propane supply, that the current provider will continue to provide until hears otherwise, at the old rate. (*Clerk's note: provider is providing propane at the rate proposed for the current year, not the old rate*)

**III. Public Works**

**A. Roads:** nothing at this time

**B. Parks:** Foreman Kristian Larsen mentions the public meeting to be held on September 2 at 5:00pm regarding possible upgrades at Joni's Beach.

**C. Airport**

1. Airport Manager's Report & Checklist: placed on file by unanimous consent.

**D. MRF**

1. Exchange Suggestions: discussion based on memo from MRF supervisor dated August 11, 2014. Discussion included limited space at the new location, more oversight, and Barb With volunteering to assist with the exchange after Labor Day.

**IV. Committees**

**A. Zoning:** nothing at this time

**B. Alternative Energy Committee**

1. Recommendation from the AEC to award contract for Request for Proposals for planning/design of Solar Micro-grid: Larry Bean, Chair of the Committee, spoke on the micro-grid and solar array. The committee recommends approving the proposal from Chippewa Valley for the planning and design for the project. The solar array will meet all of the Town's (municipal buildings) annual needs and provide power in an emergency or when it is interrupted from Xcel. The plan will cost \$15,000; \$10,000 budget for and a \$5,000 contribution from the Madeline Island Library. Motion to authorize the Alternative Energy Committee to arrange with the contractor Chippewa Valley for the planning of the solar array and micro-grid, J. Patterson/ M. Curry, 5 Ayes, Motion Carried.

**C. Winter Transportation Committee**

1. Committee members: unappoint & appointment: Motion to table the agenda item until the next meeting as there may be some changes to the resolution and members, M.

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Childers/ M. Curry, 4 Ayes, 1 abstain (H. Ross because he is a member of the committee), Motion Carried.

## **V. Town Hall Administration**

A. Administrative Assistant's Report: Motion to place report dated 8/22/14 on file, M. Curry/ J. Patterson, 5 Ayes, Motion Carried.

B. Grant Updates: placed on file by unanimous consent with congratulations to the Fire Department for their FEMA Fire Grant for the SCBA equipment.

C. Budget Amendment #2014-03: the amendment 'corrected' some of the over budgeted expenditure line items. Motion to approve the Budget Amendment Resolution #2014-03, M. Childers/ M. Curry, 5 Ayes, Motion Carried.

D. County Services Levy Exemption Resolution #2014-0826: this is the first use of the Levy Exemption that followed the passage of Act 282 legislation. The Town is making an application for around \$95,000 to the County which could reduce property taxes payable in 2015. Motion to approve the County Services Levy Exemption Resolution #2014-0826, J. Patterson. M. Curry, 5 Ayes, Motion Carried.

E. Attractive Nuisance Ordinance #2014-02: Second Read. Schedule Public Hearing: Motion to schedule the Public Hearing for the Attractive Nuisance Ordinance for Tuesday September 16, 2014 at 6:00pm, J. Patterson/ H. Ross, 5 Ayes, Motion Carried.

F. Public Nuisance Ordinance #2014-03: Second Read. Schedule Public Hearing: Motion to schedule the public hearing for the Public Nuisance Ordinance for Tuesday September 16, 2014 immediately following the public hearing for the Attractive Nuisance Ordinance, J. Patterson/ M. Curry, 5 Ayes, Motion Carried.

G. Finance Taxation Ordinance #2014-05 Chapter 40: Second Read/ Decision: this ordinance relates to the 1.5% final installment of the Accommodations Tax. The installment will be deposited into a designated fund that will be used for infrastructure improvements directly related to supporting overnight stays on the island. Motion to approve the Finance Taxation Ordinance #2014-05 Chapter 40, H. Ross/ M. Curry, 5 Ayes, Motion Carried.

H. Law Enforcement Review Panel: Consideration of Amended Version of Resolution 2014-0812A: Town's Attorney, M. Fauerbach reviewed the Resolution and submitted some amendments and modifications that provide some additional safeguards. Discussion included if the Town Board currently has any authority over the Law Enforcement. If they do, it was the consensus that the Board keep their power. If not, then create the panel. The panel would act on a case by case basis and be strictly complaint driven. Other discussion on whether to rescind the old resolution and pass the new one, or to wait to get more information on who has authority. Lots of discussion.

Motion to rescind Resolution 2014-0812A as originally submitted, M. Curry/ Patterson.

Discussion continued on leaving the current resolution in play until all the questions are answered. M. Curry withdraws motion.

Motion to table until the next meeting, M. Childers/ M. Curry, 5 Ayes, Motion Carried.

I. Law Enforcement Review Panel: Members: because there are still questions to be answered, and amendments to be made to the Review Panel Resolution, the Board will wait on appointing members. Lots of discussion on shared agreement on qualifications/ criterial for choosing the members. Motion to have a public hearing on Law Enforcement Review Panel membership input and discussion on September 16, 2014 following the public hearing for Public Nuisance Ordinance, J. Patterson/ M. Childers, 4 Ayes, 1 abstain (M. Curry), Motion Carried.

J. Special Town Meeting Petition: Law Enforcement activity and actions: Set date: Chairman Nelson states that it is not proper to discuss issues because many of them are related to

open court cases, and statutes won't allow it. Public present addressed that there are legitimate grievances, not just about current cases, that they would like to discuss with the Town Board. No meeting set.

K. Website Updates: nothing at this time, waiting to hear from current provider.

L. FCC License: Radio Station: no information at this time.

M. Cell Tower Ordinance #2014-04: Second Read/ Decision: the State passed a statute that gives cell companies freedom to locate towers. This ordinance maximizes the revenues while the rest is out of the Town's control. Issues brought up about the noise of the tower are to be looked into through the lease.

N. Bilingual Signage: Nick Nelson presented to the board the developments in bilingual signage. There are three design options. Quoted costs to cover materials and delivery, volunteers will make the signs. Largest cost in the translations. The grant from the AIACF was \$1,700, the Town will contribute \$1,000- \$2,000, which is under budget. Nick will prepare a report and submit quotes for the Board to review.

Motion to return to agenda item V. Town Hall Administration. M. Cell Tower Ordinance, H. Ross/ M. Curry, 5 Ayes, Motion Carried.

Motion to approve Cell Tower Ordinance #2014-04, H. Ross/ J. Patterson, 5 Ayes Motion Carried.

Motion to return to agenda (item VI. Vouchers).

**VI. Vouchers:** Motion to approve vouchers in the amount of \$48,578.90, H. Ross/ J. Patterson, 5 Ayes, Motion Carried. (*Clerks' Note: The actual amount is \$48,573.90 not \$48,578.90. One voucher listed as \$105.50 but it was actually \$100.50*)

## **VII. Minutes**

1. Public Hearing August 11, 2014: Unanimous Consent to place on file.
2. Regular Town Board Meeting August 12, 2014: motion to approve minutes as submitted, M. Curry/ H. Ross, 5 Ayes, Motion Carried.

## **VIII. Emergency Services**

### **A. Ambulance Service**

1. Ambulance Director's Report: placed on file by unanimous consent.

B. Volunteer Fund Ordinance #2014-06: Second Read: this ordinance allows the Fire Department and Ambulance to hold and disperse volunteer funds. Motion to approve Volunteer Fund Ordinance #2014-06, M. Childers/ M. Curry, 5 Ayes, Motion Carried.

## **IX. Library**

A. Library Board Minutes, July 10, 2014: Placed on file (H. Ross abstains)

B. Library Exemption from County Tax Resolution #2014-0826A: standard, annual application for exemption from County. Motion to approve the Library Exemption from County Tax Resolution #2014-0826A, J. Patterson/ M. Curry, 5 Ayes, Motion Carried.

**X. Public Comment B\*\*:** Barb With submitted a draft of a letter that she would like to Town Board to send to the Environmental Protection Agency regarding opposition of mining in the Penokee Range. J. Peters spoke on the Cell Tower Ordinance and that he hopes the Board will

consider revisiting it to at least get yearly fees from the cell companies. M. Caswell questions Big Arn's Road petition on next agenda.

**XI. Lawsuits & Legal Issues**

A. Notice of Circumstances of Claim and Claim: no action at this time.

**XII. Liquor & Operators' Licenses**

**XIII. New Agenda Items for Future Meetings**

- A. Big Arn's Road Petition
- B. Winter Transportation Committee
- C. Law Enforcement Review Panel Resolution
- D. Bilingual Signage
- E. Letter to EPA: mining
- F. Cell Tower Ordinance
- G. Budget concerns

**XIV. Adjourn** at 7:28pm. M. Curry/ H. Ross, 5 Ayes, Motion Carried.

Submitted by Micaela Montagne, Town Clerk.

Approved as submitted, September 9, 2014